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HIGH COURT OF CHHATTISGARH AT BILASPUR

Writ Petition No. 4280 of 2005

Petitioners

1. Dhanaram Halba, S/o Shri Parasram Halba, Aged about 48 years, R/o Village Raveli, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
2. Sukhram Gond, S/o Shri Premlal Gond, Aged about 41 years, R/o Village Sahaspur, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
3. Tetkuram Verma alias Basant, S/o Shri Ramâdhar Verma, Aged about 47 years, R/o village Sahaspur, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.).
4. Radheylal Halba, S/o Shri Chainuram Halba, Aged about 45 years, R/o Village Raveli, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
5. Baldau alias Paltan, S/o Shri Phool Singh, Aged about 48 years, R/o Village Raveli, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
6. Smt. Kesar Bai Gond alias Samrin Bai, W/o Shri Sukhram, Aged about 48 years, R/o Village Sahaspur, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
7. Tilochan alias Manikram, S/o Shri Rama Sahu, Aged about 44 years, R/o Village Sahaspur, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
8. Ramhari Sahu, S/o Shri Punitram Sahu, Aged about 52 years, R/o Village Sahaspur, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
9. Rasit Ram, S/o Agnu Ram Sahu, Aged about 40 years, R/o Village Bhedre, P.O. Loharsi, P.S. Rajim, District Raipur (C.G.)
10. Loomram, S/o Sitaram, Aged about 45 yars, R/o Village Sankra, P.O. Antarmara, P.S. Rajim, District Raipur (C.G.)

Versus

Respondents

1. State of Chhattisgarh, Through the Secretary, Water Resources Deptt., Mantralaya, D.K.S. Bhawan, Raipur (C.G.).
2. Engineer-in-Chief, Water Resources Deptt., Raipur (C.G.)
3. Executive Engineer, Water Resources Deptt., Raipur (C.G.)
4. Sub-Divisional Officer, Pairi Project Canal, Sub-Division No.2, Panduka, District Raipur (C.G.)

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SB: Hon'ble Mr. Justice **Satish K. Agnihotri, J**

Smt. Fouzia Mirza, Advocate for the petitioner.

Miss Sunita Jain, Panel Lawyer for the respondents.

ORDER

(Passed on this 30th day of March, 2007)

1. By this petition, the petitioners, who have worked for more than 20 years as Labourer in the Pairi Project Canal, Water Resources Department, Sub-Division No.2, Panduka, District – Raipur, seek a relief that the petitioners having attained the status of permanent employee by way of length of their services are entitled to regularization as permanent in the services.

2. Learned counsel appearing for the petitioners submits that the service of the petitioners are governed by the Chhattisgarh Irrigation Workcharged and Contingency Paid Employees, Recruitment and Service Conditions Rules, 1977 (for short 'the Rules, 1977'), which have been framed under Article 309 of the Constitution of India. As per Rule 6(2)(Ga) the petitioners have attained the status of permanent employees.

3. Learned counsel appearing for the petitioners would submit that the question of acquiring permanent status of an employee, on the basis of his continuous service on the post of Gangman in Public Works Department was considered by this Court in W.P. No. 108/2005 (Govind Vs. State of Chhattisgarh & others) and other connected matters, decided on 4th January, 2007. Learned counsel for the petitioners would further submit that in the case of Govind (Supra) it was considered that on the basis of 15 years continuous service the petitioner attains the status of permanent employee, as defined under Rule 2(c) of the Chhattisgarh (Workcharged and Contingency Paid

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Employees) Pension Rules, 1979 (for short 'the Rules, 1979'), framed under Article 309 of the Constitution of India. In that petition it was held that on completion of 15 years continuous service, an employee attains status of a permanent employee and would retire at the age of 62 years in accordance with the Chhattisgarh Shaskiya Sevak (Adhivarshiki-Ayu) Adhiniyam, 1967 (for short 'the Act, 1967') read with Fundamental Rule 56.

4. Learned counsel for the petitioners would next submit that the petitioners are in continuous service for about 20 years and in view of the provisions of the Rules 1977 and the decision of this Court in W.P.No. 108/2005, the petitioners are entitled to grant of permanent status.

5. Having heard learned counsel for the parties and having regard to the facts and circumstances of the case, the petitioners are granted liberty to make a detailed representation to the Respondent No.2, raising all their grievances in regard to their prayer for regularization and in turn the respondent No.2 shall consider and decide the representation, if any, in accordance with law, within a period of two months from the date of receipt of the representation. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Thakur